

**United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DYNAMIC APPLET TECHNOLOGIES, LLC,

Plaintiff,

V.

CIVIL ACTION NO. 4:17-CV-00863

HAVERTY FURNITURE COMPANIES, INC.,

§§§

Defendant.

ORDER OF DISMISSAL

Pending before the Court is the parties' Joint Motion to Dismiss (the "Motion") (Dkt. #23).

The Motion represents that the parties have resolved all claims between them and agree to dismiss this entire action with prejudice, with each party to bear its own costs of court. See *id.* Upon consideration of the Motion and the relevant pleadings, the Court finds the Motion (Dkt. #23) should be **GRANTED**.

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways. A plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1). A plaintiff may alternatively dismiss an action under Rule 41(a)(1)(A)(ii) by filing “a stipulation of dismissal signed by all parties who have appeared.” *Id.* As such, formal court action is not necessary in this case. However, the Court finds that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of an order of dismissal as requested by the parties is appropriate.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that the Joint Motion to Dismiss (Dkt. #23) is **GRANTED**, and this entire action, and all of the claims asserted therein, are **DISMISSED WITH PREJUDICE**. Each party shall bear its own attorneys' fees and costs.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 3rd day of June, 2018.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE